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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,389	08/18/2003	Robert E. Sundell	129300	3654
7590 04/05/2005			EXAMINER	
General Electric Company			HUSBAND, SARAH E	
CRD Patent Docket Rm 4A59				
Bldg. K-1			ART UNIT	
P.O. Box 8			PAPER NUMBER	
Schenectady, NY 12301			1746	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/643,389

Applicant(s)

SUNDELL ET AL.

Examiner

Sarah E. Husband

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/18/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruble (US Patent No. 3,987,652).

Ruble discloses an apparatus for washing clothing, said apparatus comprising an agitator hub (Fig. 2, Item 35); and an agitator vane mechanically coupled to said agitator hub at a proximal edge of said agitator vane (Fig. 2, Item 37; col. 4, ll. 40-42), said agitator vane having a vane height not monotonically decreasing from said proximal edge to a distal edge (Fig. 2, Item 37). The phrase, “a vane height not monotonically decreasing,” is understood to mean a vane height which is not decreasing at a constant angle or linearly. Ruble also discloses the apparatus of claim 1 wherein said agitator vane is integral with said agitator hub (Fig. 2; col. 4, ll. 48-50). The tangential linear compliance at said distal edge greater than about 2 centimeters per kilogram force is an inherent property of the disclosed art. The vanes disclosed by Ruble, which have substantially the same structure and function when compared to the applicant's invention, would also have a tangential linear compliance property of a similar value. The difference of the tangential linear compliance, whether 2, 2.3 or 3, is not patentably distinct and therefore will not be given weight. Ruble also

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discloses an auger mechanically coupled to said agitator hub (b, Fig. 2, Item 43; col. 3, l. 66- col. 4, l. 4).

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Vona (US Patent No. 4,018,067).

Vona discloses an apparatus for washing clothing, said apparatus comprising an agitator hub (Fig. 1, Item 30); and an agitator vane mechanically coupled to said agitator hub at a proximal edge of said agitator vane (Fig. 1, Item 60; col. 3, l. 36), said agitator vane having a vane height not monotonically decreasing from said proximal edge to a distal edge (Fig. 1, Item 62; col. 3, ll. 36-38). The phrase, "a vane height not monotonically decreasing," is understood to mean a vane height which is not decreasing at a constant angle or linearly. Vona also discloses the apparatus of claim 1 wherein said agitator vane is integral with said agitator hub (Figs. 1, 8). The tangential linear compliance at said distal edge greater than about 2 centimeters per kilogram force is an inherent property of the disclosed art. The vanes disclosed by Vona, which have substantially the same structure and function when compared to the applicant's invention, would also have a tangential linear compliance property of a similar value. The difference of the tangential linear compliance, whether 2, 2.3 or 3, is not patentably distinct and therefore will not be given weight.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not relied upon are Stevenson (US Patent No. 2,488,241), who teaches an agitator with upwardly curved vanes and Brenner (US Patent No.

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4,170,882), who teaches an agitator with auger and a vane height not monotonically decreasing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached at (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH 4/1/05

**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**

A handwritten signature in black ink, appearing to be 'Mike Barr', written over the printed name and title.